Patent
Attorney's Docket No. 010091-035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Myun K Han et al.)	Group Art Unit: 1634
)	
Application No.: 09/069,847)	Examiner: Fredman
)	
Filed: April 30, 1998)	
)	
For: FLUOROMETRIC ASSAY FOR)	
DETECTING NUCLEIC ACID)	
CLEAVAGE)	

SUBMISSION OF TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

A check for [ ] $55.00 [X] $110.00 to cover the requisite Government fee is also attached. The Commissioner is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____
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Date: March 5, 1999

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
010091-035

In re Application of: Myun Ki HAN et al.
Application No.: 09/069,847
Filed: April 30, 1998
For: FLUOROMETRIC ASSAY FOR DETECTING NUCLEIC ACID CLEAVAGE

The owner, __GEORGETOWN UNIVERSITY__ of __One-Hundred (100)__ percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. __5,763,181__. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

_____March 5, 1999_____
Date

_____(signature)_____
Signature

03/12/1999 RTSEGAYE 00000015 09069847
01 FC:148   110.00 OP

__Robin L. Teskin, Registration No. 35,030__
Typed or printed name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged.   ☐ changed (if changed, an explanation should be supplied).

(10/97)